

## REMARKS

Reconsideration of the application is requested.

Claims 16-34 are now in the application. Claims 16-34 are subject to examination. Claims 16 and 20 have been amended. Claim 35 has been canceled to facilitate prosecution of the instant application.

Under the heading "Specification" on page 2 of the above-identified Office Action, the Examiner objected to the specification because of informalities on page 3, lines 10 and 11.

The allegedly objectionable material has been deleted..

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 20, 21, and 35 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Claim 20 has been amended to depend from claim 19 to provide antecedent basis for "the seatbelt".

Claim 35 has been cancelled.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections – 35 USC § 102" on page 3 of the above-identified Office Action, claims 16-19, 22, 26, and 29-35 have been rejected as being fully anticipated by Published U.S. Patent Application No. 2002/0140215 A1 to Breed et al. under 35 U.S.C. § 102. Applicants respectfully traverse and have amended claim 16 to even more clearly define the invention.

Support for the changes to claim 16 can be found by referring to the application at page 15, line 17 through page 16, line 8 with reference to Fig. 1, and at page 24, line 9 through page 25, line 14.

Claim 16 now includes steps of:

providing a plurality of seats with a plurality of reflectors;

emitting a field of high-frequency radiation towards the plurality of seats with a single transmitter;

receiving high-frequency radiation reflected by the plurality of reflectors in the plurality of seats with a receiver; and

evaluating, in a control unit, the radiation received by the receiver with respect to a radiation intensity and deducing therefrom a seat occupancy at the plurality of seats.

Claim 16 thus specifies that a single transmitter emits a field of high-frequency radiation towards the plurality of seats; and that a receiver receives the high-frequency radiation that is reflected by the plurality of reflectors in the plurality of seats.

Breed et al. do not teach or suggest such features, but rather teach that each seat location will have at least one transmitting transducer 132 and a plurality of receiving transducers 131, 133. Refer to paragraph [0170] for the particular configuration in one seat location, and to paragraph [0178] for the teaching specifying that each seat location will be provided with a similar system to monitor the presence of occupants in the other seats.

Claim 31 is not anticipated for similar reasons.

Claim 31, as previously presented, defines a system for identifying seat occupancy in a vehicle with a plurality of seats to be monitored, comprising:

a single transmitter unit for emitting a field of high-frequency radiation towards each of the plurality of seats to be monitored;

a plurality of reflector elements respectively disposed at the seats for reflecting the high-frequency radiation in dependence on an occupancy of the seats;

a receiver unit disposed to receive the high-frequency radiation after reflection at said reflector elements; and

a control unit connected to said transmitter unit and to said receiver unit for activating a generation of the high-frequency wave field and/or for evaluating a radiation intensity received by said receiver unit in dependence on the occupancy of the seats.

Under the heading "Claim Rejections – 35 USC § 102" on page 4 of the above-identified Office Action, claims 16, 19, and 31 have been rejected as being fully anticipated by U.S. Patent No. 6,099,030 to Kraft under 35 U.S.C. § 102. Applicants respectfully traverse.

With regard to claim 16, Kraft does not teach that a single transmitter emits a field of high-frequency radiation towards the plurality of seats; and that a receiver receives the high-frequency radiation that is reflected by the plurality of reflectors in the plurality of seats.

With regard to claim 31, Kraft does not teach a single transmitter unit for emitting a field of high-frequency radiation towards each of the plurality of seats to be monitored; a plurality of reflector elements respectively disposed at the

seats for reflecting the high-frequency radiation in dependence on an occupancy of the seats; and a receiver unit disposed to receive the high-frequency radiation after reflection at said reflector elements.

Kraft teaches spatially aligning a transmitting/receiving device or directionally focusing a transmitted beam to a reference region or reference points on a safety belt (See column 1, lines 64-67). Kraft teaches that a transmitting and receiving device 13 is directed to transmit a signal towards the chest region of a shoulder strap of the safety belt 3, and that the transmitting and receiving device 13 and the receiving devices 14, 14a, and 14b are used to receive the signals reflected from the reference region 7 of the shoulder strap of the safety belt 3 (See Fig. 1 and column 3, lines 14-34).

The configuration is not used with a plurality of reflectors in a plurality of seats and there is nothing relating to using the transmitting and receiving device 13 with a plurality of reflectors in a plurality of seats. The invention as defined by claims 16 and 31 is not anticipated.

Under the heading "Claim Rejections – 35 USC § 103" on page 6 of the above-identified Office Action, claims 20 and 21 have been rejected as being obvious over U.S. Patent No. 6,099,030 to Kraft in view of U.S. Patent No. 4,700,974 to Andres et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teachings in Kraft and Andres et al., for some reason, the invention as defined by claims 20 and 21 would not have been obtained for the reasons given above with regard to claim 16.

Additionally, Andres et al. teach an outdated triggering system that uses an igniter 6 and a pyrotechnic driving unit 7, which when ignited, causes the strap 11 to be pulled tight. The triggering system is placed in an electromagnetically shielded housing 14 to suppress signals that would interfere with the operation of the pyrotechnic triggering system. The electromagnetically shielded housing 14 would serve no purpose when used with a modern electrically actuated belt-tensioning system, and there is no reason to use such shielding with a modern electrically actuated belt-tensioning system.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claims 23-25, 27, and 28 have been rejected as being obvious over Published U.S. Patent Application No. 2002/0140215 A1 to Breed et al. in view of U.S. Patent No. 6,946,949 B2 to Heide et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teachings in Breed et al. and Heide et al., for some reason, the invention as defined by claims 23-25, 27, and 28 would not have been obtained for the reasons given above with regard to claim 16.

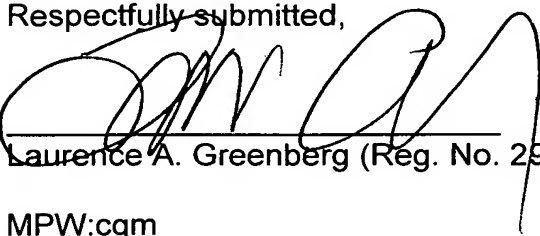
It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 16 or 31. Claims 16 and 31 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 16 or 31.

In view of the foregoing, reconsideration and allowance of claims 16-34 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



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